

Message Text

UNCLASSIFIED

PAGE 01 MADRAS 01749 231206Z

13

ACTION L-03

INFO OCT-01 EA-09 NEA-10 ISO-00 EB-07 COME-00 JUSE-00

CIAE-00 INR-07 NSAE-00 /037 W
----- 048790

R 231000Z SEP 76
FM AMCONSUL MADRAS
TO MARD WASHDC
INFO COMSC WASHDC
AMEMBASSY NEW DELHI
AMCONSUL BOMBAY
SECSTATE WASHDC 3595
DRF-PAC CAMP H.M.SMITH HI
DFSC PQAQ USNAVOFF SINGAPORE
DFSC CAMERON STATION
CH PQAQ LEFFLER WESTPAC MANILLA RP

UNCLAS MADRAS 1749

E.O. 11652: N/A
TAGS: OGEN, IN
SUBJECT: LEGAL ACTION ON SALE OF THE S.S. TRANSHURON

REF: MADRAS 0535 AND 0682 (1975)

1. FOLLOWING IS THE COMPLETE TEXT OF A LETTER DATED SEPTEMBER 19 ADDRESSED TO THE COUNSEL GENERAL, AMERICAN EMBASSY (SIC), MADRAS, FROM THE SECRETARY TO THE ADMINISTRATOR, ADMINISTRATION OF THE UNION TERRORY OF LAKSHADWEEP, CALICUT 673001. THE LETTER APPEARS TO BE A COPY ALTHOUGH NO INDICATION IS GIVEN AS TO WHERE THE ORIGINAL OR OTHER COPIES MAY HAVE BEEN SENT. OUR CONTACTS WITH DORAIRAJ ARE DESCRIBED IN REFTELS. THE LETTER REQUESTS A REPLY BY SEPTEMBER 24.

2. QUOTE

SIR,

NEW INDIA STEEL INDUSTRIES MADRAS REPRESENTED BY ONE
UNCLASSIFIED

UNCLASSIFIED

PAGE 02 MADRAS 01749 231206Z

MR. DORAIRAJ HAS INSTITUTED A CIVIL SUIT O.S.

3886 OF 1975 IN THE CITY CIVIL COURT MADRAS AGAINST
THE ADMINISTRATOR OF UNION TERRITORY OF LAKSHADWEEP
FOR A DECLARATION THAT HE IS THE OWNER OF S.S. TRANSHURON
WHICH BELONGED TO THE GOVERNMENT OF UNITED STATES OF
AMERICA AND OPERATED BY HUDSON WATERWAYS CORPORATION
IN SEPTEMBER 1974 WHEN IT WAS CARRYING FURNACE OIL FOR
AMERICAN NAVY. THE SHIP RAN AGROUND ON 26.9.74 OFF
KILTAN ISLAND IN UNION TERRITORY OF LAKSHADWEEP. IT
WAS THEN ABANDONED BY ITS MASTER AND CREW, AND THEREFORE
THE ADMINISTRATOR OF LAKSHADWEEP IN EXERCISE OF
HIS POWERS UNDER THE MERCHANT SHIPPING ACT 1958
AS "RECEIVER OF WRECK" TOOK INTO CUSTODY THE WRECKED
VESSEL, AND SUBSEQUENTLY IN APRIL/MAY 1975 ORDERED
ITS SALE BY PUBLIC AUCTION. AT THAT STAGE IT WAS,
THAT THE NEW INDIA STEEL INDUSTRIES FILED THE ABOVE SUIT
ALLEGING THAT THE GOVERNMENT OF UNITED STATES
HAS SOLD FOR CASH CONSIDERATION TO NEW INDIA STEEL
INDUSTRIES MADRAS THE WRECKED VESSEL IN "AS IS WHERE IS"
CONDITION. THIS CLAIM TO OWNERSHIP COULD NOT BE
COUNTEINANCED BY THE ADMINISTRATOR AS RECEIVER OF WRECK,
AS, ON AND FROM THE DATE OF NOTIFICATION THAT THE VESSEL
HAS BECOME A WRECK, IT HAS BECOME A PROPERTY OF THE
GOVERNMENT OF INDIA TO BE DISPOSED OF ONLY BY THE
RECEIVER OF THE WRECK BEFORE WHOM THE CLAIM TO OWNERSHIP
HAS TO BE ESTABLISHED IN THE MANNER LAID DOWN
IN THE STATUTORY RULES. THEREFORE THE ADMINISTRATOR
AMONG OTHER THINGS DENIED PLAINTIFFS' CLAIM TO OWNERSHIP
OVER THE SHIP S.S. TRANSHURON IN THE ABOVE SAID SUIT.

THE SUIT NOW STANDS POSTED TO 24.9.76 FOR DETERMINATION
OF THE ISSUES SET FOR TRIAL, ONE OF WHICH IS WANT OF
JURISDICTION FOR THE COURT IN MADRAS TO TRY THE SUIT.

IN THE MEANWHILE MR. DORAIRAJ REPRESENTING THE NEW
INDIA STEEL INDUSTRIES HAS PRODUCED A BILL OF SALE ON THE
LAST HEARING DATE ON 8.9.76. BUT ALL THE SAME, WE HAVE
RECEIVED A COMMUNICATION FORM THE GOVERNMENT OF UNITED
STATES DATED 12.4.76 WHICH READS AS FOLLOWS:-

" I REQUEST YOUR ADVICE AS TO WHAT ACTIONS, IF ANY,
UNCLASSIFIED

UNCLASSIFIED

PAGE 03 MADRAS 01749 231206Z

MIGHT BE TAKEN AT THIS TIME TO EXPEDITE MATTERS RELATING
TO THE VESSEL TRANSHURON, AGROUND AT KILTAN ISLAND
SINCE SEPTEMBER 26,1974.

SEVERAL INDIAN CITIZENS HAVE CONTACTED THE UNITED STATES
GOVERNMENT IN REGARD TO THE PURCHASE OF THE VESSEL, BUT
WE ARE NOT PRESENTLY ENGAGED IN ANY NEGOTIATIONS.

I AWAITS A REPLY AT YOUR EARLIEST CONVENIENCE."

IN THE LIGHT OF THE ABOVE SAID COMMUNICATION WE
FEEL BEWILDERED AS TO HOW MR. DORAIRAJ THE PLAINTIFF
IN THE SUIT COULD PRODUCE THE BILL OF SALE DATED 5.8.76
ALLEGEDLY GIVEN TO HIM BY THE APPROPRIATE OFFICER OF
THE GOVERNMENT OF UNITED STATES.

WE THEREFORE REQUEST YOU TO LET US KNOW AT YOUR EARLIEST
(AND NOT LATER THAN 24.9.76) WHETHER THIS NEW INDIA
STEEL INDUSTRIES OF MADRAS HAS BEEN GIVEN ANY BILL OF
SALE, AND IF SO, HOW THE AMERICAN GOVERNMENT COULD HAVE
VALIDLY DEALTH WITH THE OWNERSHIP OVER THE WRECKED VESSEL
WITHOUT THE KNOWLEDGE AND CONSENT OF THE RECEIVER OF
WRECK UNDER THE MERCHANT SHIPPING ACT 1958.

AN EARLY REPLY IS SOLICITED,

WITH BEST REGARDS

YOURS SINCERELY,
(T.P. SANKARANARAYANAN NAIR)
SECRETARY TO ADMINISTRATOR

UNQUOTE.
SCOTT

UNCLASSIFIED

NNN

Message Attributes

Automatic Decaptioning: X
Capture Date: 01 JAN 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: n/a
Control Number: n/a
Copy: SINGLE
Draft Date: 23 SEP 1976
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: n/a
Disposition Approved on Date:
Disposition Authority: n/a
Disposition Case Number: n/a
Disposition Comment:
Disposition Date: 01 JAN 1960
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1976MADRAS01749
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: N/A
Errors: N/A
Film Number: D760360-0713
From: MADRAS
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1976/newtext/t19760928/aaaaayar.tel
Line Count: 141
Locator: TEXT ON-LINE, ON MICROFILM
Office: ACTION L
Original Classification: UNCLASSIFIED
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 3
Previous Channel Indicators: n/a
Previous Classification: n/a
Previous Handling Restrictions: n/a
Reference: 76 MADRAS 535
Review Action: RELEASED, APPROVED
Review Authority: greenet
Review Comment: n/a
Review Content Flags:
Review Date: 30 MAR 2004
Review Event:
Review Exemptions: n/a
Review History: RELEASED <30 MAR 2004 by MaustMC>; APPROVED <04 JAN 2005 by greenet>
Review Markings:

Margaret P. Grafeld
Declassified/Released
US Department of State
EO Systematic Review
04 MAY 2006

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: NATIVE
Subject: LEGAL ACTION ON SALE OF THE S.S. TRANSHURON
TAGS: OGEN, IN
To: MARD
Type: TE
Markings: Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 04 MAY 2006